

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MARCELINO MACIAS,
Plaintiff(s),

v.

STATE OF NEVADA UNEMPLOYMENT,
et al.,
Defendant(s).

Case No. 2:24-cv-01810-CDS-NJK

REPORT AND RECOMMENDATION

On September 26, 2024, the Court denied Plaintiff's application to proceed *in forma pauperis* without prejudice. Docket No. 4. The Court noted that the application was not signed by Plaintiff,¹ was submitted on the wrong form, and was incomplete. *See id.* at 1-2. The Court ordered that, if Plaintiff wished to proceed with this case, he had to file a proper application with all of the required documentation by October 30, 2024. *Id.* at 2. Plaintiff did not do so.

On November 6, 2024, the Court *sua sponte* extended the deadline to file a proper application to proceed *in forma pauperis* to November 20, 2024. Docket No. 5 at 1. The Court warned therein that “[f]ailure to comply with this deadline may result in dismissal of the case.” *Id.* (emphasis in original). Despite that warning, Plaintiff has not complied.

This case cannot proceed without Plaintiff either paying the filing fee or filing a motion to proceed *in forma pauperis*. *See* 28 U.S.C. § 1914(a); *see also* 28 U.S.C. § 1915(a). Having refused to do either in this case, Plaintiff's complaint is subject to dismissal. *E.g., Desai v. Biden*, 2021 WL 38169, at *1 (E.D. Cal. Jan. 5, 2021), *adopted*, 2021 WL 276236 (E.D. Cal. Jan. 27, 2021).

¹ The application was instead signed by a “power of attorney.”

1 Moreover, Plaintiff's refusal to comply with the Court's orders is an abusive litigation
2 practice that has interfered with the Court's ability to hear this case, delayed litigation, disrupted
3 the Court's timely management of its docket, wasted judicial resources, and threatened the
4 integrity of the Court's orders and the orderly administration of justice. Sanctions less drastic than
5 dismissal are unavailable because Plaintiff has refused to comply with the order of this Court
6 notwithstanding the warning that case-dispositive sanctions may be imposed.

7 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without
8 prejudice.

9 Dated: December 4, 2024

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11 
Nancy J. Koppe
United States Magistrate Judge

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13 **NOTICE**

14 This report and recommendation is submitted to the United States District Judge assigned
15 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and
16 recommendation must file a written objection supported by points and authorities within fourteen
17 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file
18 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951
19 F.2d 1153, 1157 (9th Cir. 1991).